

MILK RIVER WATERSHED NEWS

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Milk River Irrigation Districts Form Joint Board of Control

by Mike Dailey

After many years of discussion and debate, the Milk River irrigation districts formed a Joint Board of Control (JBC) on the evening of July 26, 1999. Alan Mikkelsen, who had previous experience in forming a JBC, facilitated this historic event. Commissioners, representing each of the eight Milk River Project irrigation districts, signed the JBC agreement (see page 5). The newly formed JBC began working immediately by adopting its bylaws, electing its officers, and hiring a recording secretary.

The evening meeting opened with discussions on the proposed bylaws and agreement. Within thirty minutes, a number of minor changes were made. With nothing else to say, and after a brief awkward moment of silence, Ernie Johnson of Paradise Valley Irrigation District, piped up and said: "Paradise Valley is ready to sign!" With that, a number of district commissioners quietly went forth and signed the contract agreement, while other district boards met briefly before signing.

After all the representatives signed the JBC agreement, the JBC went to work. The first order of business was adopting the bylaws that were agreed upon earlier. Next came the election of JBC officers. Kay Blatter of Fort Belknap Irrigation District and Hugh Brookie of Malta Irrigation District were nominated for chairman. A secret ballot was cast resulting in a tie vote. After a brief recess, a motion was made, seconded and carried unani-

mously to elect Kay as chairman and Hugh as vice-chairman. Melvin Novak was then elected as secretary by unanimous vote.

In the absence of Kay Blatter, Hugh Brookie presided over the meeting. The group agreed to meet on the third Tuesday of each month, hired Margaret LaRoque as its recording secretary, and discussed their next meeting agenda.



Margaret LaRoque, on behalf of the Joint Board of Control, accepts the contract agreement from Alan Mikkelsen to be filed at the Phillips County Courthouse. Margaret was hired as the recording secretary for the Joint Board of Control.

In two hours, another significant chapter in the long history of the Milk River Basin has begun. Many within the Basin worked hard and had the foresight to finally bring this issue to fruition, but the real credit goes to the district representatives. They showed the courage and initiative to bring the districts together. If they didn't believe that a JBC would make a difference, it would never have happened. ■

Representatives on the Milk River JBC include the following:

Kay Blatter
Hugh Brookie
Melvin Novak
Lee Cornwell
Jack Gist

Chairman
Vice-Chairman
Secretary
Member
Member

Fort Belknap Irr. Dist.
Malta Irr. Dist.
Glasgow Irr. Dist.
Glasgow Irr. Dist.
Alfalfa Valley Irr. Dist.

Casey Kienenberger
Knute Kulbeck
Bim Strausser
Brad Tilleman
Steve Tremblay

Member
Member
Member
Member
Member

Malta Irr. Dist.
Harlem Irr. Dist.
Paradise Valley Irr. Dist.
Zurich Irr. Dist.
Dodson Irr. Dist.

International Joint Commission Tours the Milk and St. Mary Rivers

by Rich Moy

Four members of the International Joint Commission (IJC), accompanied by their staffs, and water officials from Montana, Alberta, Environment Canada, U.S. Bureau of Reclamation, and the U.S. Geological Survey (USGS), toured the St. Mary and upper portions of the Milk River basins on June 16 and 17. The IJC, consisting of six members—three appointed by the Prime Minister of Canada and three by the President of the United States, has two primary responsibilities under the 1909 Boundary Waters Treaty, besides overseeing the apportionment of flows. First, the IJC acts as a quasi-judicial body to consider applications for approval to build and operate certain projects in boundary waters and in rivers that flow across the boundary. Second, at the requests of governments, it examines and provides nonbinding recommendations on transboundary issues.

When asked why the IJC came, Tom Baldini, U.S. Section Chair of the IJC, responded, "The Commission wanted to make this tour for some time because of the historical significance that the Milk and St. Mary rivers played in creating the IJC and the 1908 Boundary Waters Treaty. We feel administering the apportionment is an important part of our work and we wanted to see first hand how well

it is working. We also wanted to hear about the short- and long-term needs within the basins, and to see if we can provide assistance to the two countries. It is rather unique for two countries to share resources such as those

found in the Milk and St. Mary basins." The other IJC commissioners on the tour included: L.H. Legault, Canadian Section Chair; Alice Chambers, U.S. member; and Frank Murphy, Canadian member.

On the morning of June 16, the commissioners began the tour by viewing the rehabilitation of St. Mary Dam in Alberta. Dave McGee, Alberta's Prairie Regional Water Manager, pointed out that the reservoir stores over 750,000 acre-feet of water which is used to irrigate about 750,000 acres in southern Alberta. As a part of the rehabilitation project, a hydropower

facility is being built into the dam. Most of the water stored in the dam originates from the St. Mary, Belly, and Waterton rivers within Glacier National Park. McGee noted that the Province of Alberta owns the dam and primary canals. He further explained that the water license or water right is issued for a flow rate under the prior appropriation doctrine, but the right is not appurtenant or tied to a specific parcel of land.

(See Tour on page 3)

"We feel administering the apportionment is an important part of our work and we wanted to see first hand how well it is working."

~Tom Baldini

Calendar Events

MT Water Resources Association

Friday, Oct. 8,
2 p.m.

Chinook Motor Inn,
Chinook, MT

For more information contact Mike Murphy (406) 458-6487

Milk River International Alliance Mtg.

Monday, Oct. 25,
10:00 a.m.-3:00 p.m.

First State Bank
Community Meeting
Room,
Malta, MT

For more information contact Paul Azevedo (406) 444-6635.

The Montana Office of the Bureau of Reclamation in Billings pays the cost for printing and mailing this newsletter.

A Ton of Hay!

by Dr. Jim Bauder,
Soil Scientist,
Montana State University

Each ton of hay requires 4 to 5 inches of water pumped through the plant. Typically, in a three cut management system, 35-45 percent of the yield is produced during the first growth cycle - generally before July 1. The second growth cycle will produce 30-35 percent of the yield, while the third growth cycle will produce the remaining yield. The yield of the second cutting is usually limited by the hot, dry weather, while decreased heat and shorter day length generally limit the yield of the third cutting.

So, if each ton of alfalfa hay requires 4 to 5 inches of water, the alfalfa crop will need 12 inches of water for a 3-ton yield in the first cut. Assuming you can start with a moist soil depth of three

feet at the beginning of the growing season, two three-inch irrigations, spaced two weeks apart (June 1 and June 15), are a good start. Immediately after the first cutting, apply 6 inches of water. Wait three weeks and apply three more inches of water. Immediately after the second harvest, apply 6 inches of water. Again, wait three weeks and apply three more inches of water. In total, you should have applied 24 inches or two-acre feet/acre of water. You probably removed an additional 3-6 inches of water from the soil.

Total irrigation water (not counting rainfall during the season) was 27-30 inches. At a water use requirement of 5 inches per ton, this would provide the water for a 6 ton/acre crop - assuming no weevil losses, no grasshoppers, good fertility, well-drained soil, and lots of luck. ■

Tour

(Continued from page 2)

The commissioners then followed the St. Mary River upstream to the international boundary gauging station where Norm Midtlying of USGS and Jeff Woodward of Water Survey of Canada explained the apportionment of the St. Mary River under the 1921 IJC Order. They described how the gauging equipment is used to apportion flows.

The commissioners continued their journey to Sherburne Reservoir in Glacier National Park. Sherburne was completed in 1921 and has a usable capacity of 66,400 acre-feet. Susan Kelly of the Bureau of Reclamation pointed out that when water is needed, it is released from Sherburne Reservoir downstream to the St. Mary River and then diverted into the St. Mary Canal near Babb, Montana, for eventual use in the Milk River Basin of Montana. The commissioners saw the St. Mary Canal which became operational in 1921, and followed it downstream, or north, for about six miles and then east across the St. Mary River and valley through two large pipes. The commissioners viewed the canal for another 13 miles as it crossed the Hudson Bay Divide before entering the natural river channel of the North Fork of the Milk River (see photo, right). The entire canal system is gravity fed and almost all within the Blackfoot Reservation.



IJC Commissioners touring the Milk and St. Mary River Basins (from left to right): Frank Murphy, Canadian member; Alice Chambers, U.S. member; Tom Baldini, U.S. Section Chair; and L.H. Legault, Canadian Section Chair.

The next morning, the commissioners followed the North Fork of the Milk River downstream to where it enters Alberta at the western crossing. The North Fork of the Milk River flows into the Milk River mainstem and then traverses Alberta for about 150 miles before reentering Montana at the eastern crossing. The commissioners saw remnants of the old "Spite Ditch" and portions of the southern tributaries of the

Milk River that originate in the Sweetgrass Hills of Montana. (Refer to the article on page 5 about the history of the Spite Ditch.)

At the completion of the two-day tour, the commissioners heard a number of presentations at its wrap-up session. Russell Boals of Water Survey of Canada described Alberta's problem with obtaining water from the southern tributaries. Ron Bothe, Director of the Water Management Division with Alberta Environment, noted that a number of Alberta water users have complained this spring that they were not receiving water from the southern tributaries. Rich Moy of the Montana Department of Natural Resources and Conservation (DNRC) explained this was a very dry winter and early spring, and the lack of moisture was probably the culprit—not Montanans using excessive flows. Before the May rains, there was very little water flowing in the southern tributaries. He also pointed out that a similar situation exists in Sage Creek

where Montanans have not been receiving water from Alberta. Canadian IJC Secretary, Murray Clamens noted that the IJC created a working group a few years back to resolve issues associated with the southern tributaries, but the group did not make recommendations. The commissioners indicated that they would consider a proposal on whether additional work is needed to resolve conflicts on the southern tributaries.

Boals and Bob Davis of the Montana USGS office described the difficulties in obtaining the necessary funds to operate the international gauging stations, and to administer the apportionment on the St. Mary and Milk rivers and the northern tributaries of the Milk-Lodge, Battle, and Frenchman. They hoped that the IJC would help seek or provide additional funding.

Boals and Bothe suggested that a more defined institutional structure should be created by the IJC to ensure that waters are apportioned and managed



Goeff Thornburn, Canadian member, observes where the St. Mary canal enters into the North Fork of the Milk River.

more efficiently in the St. Mary and Milk River basins. This suggestion is consistent with the recommendations in the IJC report entitled, "The IJC and the 21st Century," which advocated the establishment of international watershed boards. Moy noted that the Milk River International Alliance, a grassroots group of water users and officials from Montana and Saskatchewan, is beginning to lay the framework for improving water management in the Milk River Basin. He felt the draft mission and goals of this group would be similar to that of an international watershed board. Before the IJC considers creating another institutional structure, he hoped that the IJC and Alberta would give the Alliance a chance to work and encouraged Alberta water users and officials to join the group. Moy also noted that Montana was unaware of problems with the apportionment until two months ago. He said that he hoped that the appropriate state, provincial and federal officials from Montana, Alberta, USGS, Bureau of Reclamation, and Environment Canada could resolve such problems among themselves. It became obvious during the two-day tour that Montana and Alberta experience frequent water shortages in the Milk and St. Mary rivers.

Commissioners Baldini and Legault capped the two-day tour by pointing out that the IJC was available to help Alberta and Montana solve problems within the Milk and St. Mary River basins. They were appreciative of the efforts taken by everyone, especially the USGS and Environment Canada, for providing valuable information about the apportionment and management of the Milk and St. Mary rivers. They emphasized that the IJC looks forward to a cooperative and rewarding working relationship with Montana and Alberta in finding ways to improve the implementation of the apportionment and better cross-boundary water management. ■

CONTRACT of the MILK RIVER JOINT BOARD OF CONTROL

THIS CONTRACT, Made and entered into by and between the GLASGOW IRRIGATION DISTRICT, the MALTA IRRIGATION DISTRICT, the DODSON IRRIGATION DISTRICT, the HARLEM IRRIGATION DISTRICT, the PARADISE VALLEY IRRIGATION DISTRICT, the FORT BELKNAP IRRIGATION DISTRICT, the ALFALFA VALLEY IRRIGATION DISTRICT, and the ZURICH IRRIGATION DISTRICT;

In consideration of the mutual covenants herein contained and pursuant to the authority contained in M.C.A. 85-7-1601 et. seq.: Each district a party hereto agrees as follows:

The Board of Commissioners of each district in the respective discretion, deem it advisable for the best interest of their respective district, to operate, manage, supervise, and maintain the operation of the general reserved works of the Milk River Irrigation Project with each of the other districts party to this Contract.

The Board of Commissioners of each district hereby enters into this written Contract and hereby creates a Joint Board of Control.

The Board of Control, created pursuant to M.C.A. 85-7-1601, et seq. and related sections thereto, shall be composed of one or more irrigation commissioners from each district involved, who shall be appointed by the board of commissioners of the district which he or they represent for a term of one year, and one member-at-large who shall be appointed by the commissioner members to serve for a period of one year and shall be required to give bond, the same as an irrigation district commissioner. The vacancies shall be filled and the powers and duties of the Board of Control shall be determined by the provisions of M.C.A. 85-7-1612 and related statutes.

The Board of Control shall be composed of the following membership: Five (5) members from the Glasgow and Malta Divisions, to wit: Glasgow Irrigation District, two (2) members; Malta Irrigation District, two (2) members; Dodson Irrigation District, one (1) member; and five (5) members from the Chinook Division, to wit: Harlem Irrigation District, one (1) member; Paradise Valley Irrigation District, one (1) member; Fort Belknap Irrigation District, one (1) member; Alfalfa Valley Irrigation District, one (1) member; Zurich Irrigation District, one (1) member. The one (1) member at large may be appointed to represent the Fort Belknap Business Council and/or Fort Belknap Reservation irrigators. Each district shall also appoint an alternate member in the event a regular member is unable to attend a meeting of the Board of Control.

One member from each district's board and a total of eight (8) shall constitute a Quorum.

There shall be a minimum of four quarterly meetings held by the Board, with appropriate public notice as prescribed by law. The office, records and meeting place of the Board shall be at the Malta Irrigation District office in Malta, Phillips County, Montana.

CONTRACT OF THE MILK RIVER JOINT BOARD OF CONTROL

THIS CONTRACT, Made and entered into by and between the GLANGHOF IRRIGATION DISTRICT, the MALTA IRRIGATION DISTRICT, the DOGSON IRRIGATION DISTRICT, the HARLEM IRRIGATION DISTRICT, the PARADISE VALLEY IRRIGATION DISTRICT, the FORT BELKNAP IRRIGATION DISTRICT, the ALPALLA VALLEY IRRIGATION DISTRICT, and the ZACHRY IRRIGATION DISTRICT,

In consideration of the mutual covenants herein contained and pursuant to the authority contained in M.C.A. 85-7-1601 et seq., Each district a party hereto agrees as follows:

The Board of Commissioners of each district in the respective jurisdiction, do it advantage for the best interest of their respective districts, to organize, manage, supervise, and maintain the operation of all of the water projects of the Milk River Irrigation Project with each of the other districts party to this Contract.

The Board of Commissioners of each district hereby assigns into this written Contract and hereby creates a Joint Board of Control.

This Board of Control, created pursuant to M.C.A. 85-7-1601, et seq., and related sections thereof, shall be composed of one or more irrigation commissioners from each district herein, who shall be approved by the board of commissioners of the district which he or they represent for a term of one year, and one month or larger who shall be appointed by this commissionee members to serve for a period of one year and shall be required to give bond, (as an irrigation district commissionee). The vacancies shall be filled and the powers and duties of the Board of Control shall be determined by the provisions of M.C.A. 85-7-1602 and related statutes.

The Board of Control shall be composed of the following membership: Five (5) members from the Glanghof and Malta Divisions, to wit: Glangof Irrigation District, two (2) members; Malta Irrigation District, two (2) members; Dodson Irrigation District, one (1) member; and five (5) members from the Clifton, Fort Belknap, Harlem Irrigation District, one (1) member; Paradise Valley Irrigation District, one (1) member; Fort Belknap Irrigation District, one (1) member; Allala Valley Irrigation District, one (1) member; Zurich Irrigation District, one (1) member. The one (1) member in large may be appointed to represent the Fort Valley Business Council and/or Fort Belknap Restoration Initiative. Each district shall also appoint an alternate member in the event a regular member is unable to attend a meeting of the Board of Control.

One member from each district's board and one of eight (8) shall constitute a Quorum.

There shall be a minimum of four quarterly meetings held by the board, with appropriate public notice as prescribed by law. The office, routine and meeting place of the Board shall be at the Malta Irrigation District office in Malta, Phillips County, Montana.

1

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of July, 1999.

Malin Nevah
Jae Cornwall
John Lacey

Malin Irrigation District
by: _____

Harold R. Pappas
Earl Sabley
Gary Chincavage

Harlan Irrigation District
by: _____

Don R. By
Joe Hickman

Fordice Valley Irrigation District
by: _____

David H. Bessine
William L. Bell

Furn Bishop Irrigation District
by: _____

Alfalfa Valley Irrigation District
by: Ed Madden
Bruce Bell

Zachris Irrigation District
by: Brad Tillman
Jim Cook

321515

STATE OF MONTANA, COUNTY OF PELLER
I HEREBY CERTIFY THAT THE INSTRUMENT TO WHICH THIS
CERTIFICATION IS ATTACHED IS A TRUE AND CORRECT COPY
OF THE ORIGINAL AS FILED IN THE PUBLIC RECORDS
OFFICE OF SAID COUNTY AND OFFICIAL SEAL THEREOF.

County Clerk
Cecil W. Brown COUNTY CLERK

The Water War that Almost Was

by Rich Moy

As Mark Twain's common saying goes, "Whiskey is for drinking, water is for fighting." Well, that fight almost broke out between pioneers of Montana and Alberta over water for irrigation from the St. Mary and Milk rivers. The war clouds began forming when Colonel E.S. Nettleton, Chief Engineer, U.S. Department of Agriculture, proposed to divert St. Mary water into the Milk River for irrigation in 1883.

A few years later, Canada, by an Act of Parliament, incorporated the Alberta Irrigation Company and empowered the Company to begin pursuing irrigation developments in southern Alberta. The race was on. In 1885, a Canadian survey demonstrated the feasibility of irrigating a large tract of southern Alberta land by diverting water from the St. Mary River near the international border. In 1898, construction commenced on the southern Alberta irrigation project. Not to be left behind, the newly formed Reclamation Service (now Bureau of

Reclamation) determined that it was feasible to construct a canal from the St. Mary River across the Hudson Bay Divide into the Milk River to provide more water for irrigation in the lower Milk River Basin in Montana. Construction on the St. Mary diversion canal finally began in 1906.

The problem with the United States' plan was that the Milk River leaves Montana and has to flow across Alberta for about 150 miles before re-entering Montana. Canada, concerned over the potential loss of St. Mary River water to Montana, had its engineers scheming in 1901 to determine a feasible way to divert Milk River water or re-divert St. Mary water for irrigation use between Raymond and Lethbridge, Alberta.

The first section of the Canadian Milk River Canal or more commonly called the "Spite Ditch", was completed in

1903. The canal was actually an undertaking of the Alberta Railway and Irrigation Co., which contracted with Adelbert Cazier, a Utah construction man to do the job. Cazier, at that time, was building a rail line at Lewistown, Montana. Cazier's crews had 20 miles of the "Spite Ditch" completed before the freeze up in 1903.

The construction of the Spite Ditch alarmed Montana irrigators and Reclamation Service, who prompted the United States Government to protest. Teddy Roosevelt came to the rescue. He and Congress refused to recognize Canada's right to the water she was proposing to use. In 1905, some say Canada invited the United States to suggest a plan for settling this dispute and others suggest that the U.S. offered to negotiate.

In any case, The International Waterways Commission between the United States and Great Britain had begun to draft a treaty covering matters of use of boundary waters between the U.S. and

Canada, and proposed to establish a joint commission to administer the treaty. The treaty was signed in 1909 and Article VI of the treaty expressly provides for the handling of the St. Mary and Milk rivers. The treaty established the measurement and division of water between Alberta and Montana and that the apportionment was to be administered by the International Joint Commission (IJC). The actual apportionment methodology and division of waters was hotly debated for a number of years before being settled on October 4, 1921. As the photo above shows, some of the old banks of the Spite Ditch can still be seen from the Lethbridge Coutts highway. The ditch is a vivid reminder that water shortages and problems have not gone away, and communications between Alberta and Montana are still key to better management. ■



Remnants of the Spite Ditch near the Lethbridge Coutts Highway.

Web Sites to Bookmark

The Internet is a huge information bank and finding what you are looking for can be time consuming and frustrating. Provided below is a list of web sites that relate to the Milk River Basin and Montana.

United States Bureau of Reclamation Great Plains Region

www.gp.usbr.gov

This site contains information regarding USBR activities. Click on Water Supply Management to access Agri-met and Hydromet data.

Natural Resource Information System

<http://nris.mt.gov>

This site contains hundreds of GIS maps that can be downloaded for free. This site also contains information on groundwater programs, the volunteer water monitoring program, and many additional links. More information is available per request, although there may be a fee associated with it.

United States Geological Survey

<http://montana.usgs.gov>

This site contains current stream conditions, various water use information and water reports.

Montana Online

www.mt.gov

Provides access to information regarding State government, education, employment opportunities, education, and announcements.

Montana Department of Natural Resources and Conservation Home Page

www.dnrc.state.mt.us

Provides Access to various DNRC activities and information including grants and loans, water rights, news and events, and water resource information. The DNRC Water Resource Regional Offices have online computers available for public use.

The Weather Channel Homepage

www.weather.com

Provides the latest weather forecasts for any city including current weather maps.

Happy surfing!

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Alliance and Joint Board of Control Team Up

by Paul Azevedo

On September 21, Wally Elliot representing the Milk River International Alliance (MRIA), and Kay Blatter, Chair of the Milk River Joint Board of Control (JBC), made a joint presentation to the Montana Reserved Water Rights Compact Commission at its public meeting in Malta. They presented the Compact Commission with information on four additional tributary storage sites that appear to offer the potential for developing a more reliable water supply for residents within the basin.

As part of the water right negotiations with the Gros Ventre and Assiniboine Tribes on the Ft. Belknap Reservation, the Compact Commission is seeking ways to improve the management and supply of water in the Milk River Basin. It is trying to satisfy the tribal water rights without impacting existing water users. To help the Compact Commission, the MRIA appointed a technical committee to review and compile existing information and studies on the feasibility of other storage sites in the U.S. portion of the basin.

On Tuesday, September 22, Barb Cosens, legal council for the Compact Commission, presented the new storage information to the Tribal and Federal negotiators. They, in turn,

assigned their technical teams to review the data. The storage capacity of these sites range from 10,650 acre-feet to 40,000 acre-feet. Besides helping to mitigate the impacts associated with fulfilling the Tribes' water rights, the additional storage capacity would also provide increased recreational opportunities and flood control. All four reservoir sites are located downstream of the primary diversion to the Fort Belknap Reservation.

The MRIA and JBC recognize that the Gros Ventre and Assiniboine Tribes have a legal right to develop irrigation on the reservation. They feel strongly, however, that existing non-tribal irrigation projects within the basin must not be adversely affected. They believe that the development of new tributary storage will help reduce the impacts of new tribal water developments from the Milk River mainstem. A special thanks goes to Leon LaSalle, Huey Long, and Marv Cross for gathering the information, and to Wally Elliot and Kay Blatter for making the presentation to the Compact Commission. The MRIA will continue tracking the progress of negotiations. If you have any questions or comments about additional mitigation measures, please contact Barb Cosens at the Compact Commission, 406-444-6844 ■

Milk River Water Supply is Near Normal

The Milk River Basin water supply is near normal as the 1999 irrigation season comes to a close. Water users who rely on stored water will have near normal carryover storage by the end of the season, reducing the potential risk of low water supplies next spring. Storage in both Fresno and Nelson Reservoirs were near or slightly above average on September 1. Lake Sherburne storage, which supplies water to the Milk River Basin, had about twice the normal storage for September 1. However, planned maintenance on the St. Mary Canal, which transports water to the Milk River Basin, will

result in a shutdown of the canal and all of the Lake Sherburne stored water will not be transferred to the Milk River Basin this fall. The Bureau of Reclamation will discontinue diverting water through the St. Mary Canal on September 20, allowing the maintenance to begin on September 25. The remaining storage in Lake Sherburne will be used to begin diverting water into the St. Mary Canal early next spring.

No water supply shortages occurred during the past season thanks to timely May and June rains. ■

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MILK RIVER WATERSHED NEWS

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